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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,917	11/13/2003	J. Michael Teets	3419-032151	2361

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EXAMINER
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FREAY, CHARLES GRANT

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/712,917

Applicant(s)

TEETS ET AL.

Examiner

Charles G. Freay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 19-40, 42-56, 58 and 59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 41, 57 and 60-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/319478.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/2006.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This office action is in response to the amendment received December 7, 2005. In making the below rejections and/or objections the examiner has considered and addressed each of the applicant's arguments.

#### ***Claim Objections***

Claims 60 and 62 are objected to because of the following informalities: in each of the claims there is no antecedent basis for "said inlet" and "said outlet". Appropriate correction is required.

Claims 41 and 57 are objected to as not complying with 37 CFR 1.173(b). Specifically, amendments to the claims must be made relative to the claims in the patent which are in effect as of the date of the filing of the reissue application.

Applicant is notified that any subsequent amendment to the specification and/or claims must comply with 37 CFR 1.173(b).

#### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 57 is rejected under 35 U.S.C. 102(b) as being anticipated by Adkins et al (USPN 3,187,188).

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Adkins et al discloses an electricity generating system having a body (122,136), a combustor (124), a compressor (132) mounted in a compressor chamber and having plural blades, a turbine (134) having plural blades, an air inlet port (118), an exit port, a generator (Figs. 3 and 4) having magnets, and a fuel pump (86) which delivers fuel to metering valves (216, 220).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 10-12, 14 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toesca (USPN 3,247,393) in view of Bosley (EP 0 742 634).

Toesca discloses an electricity generating system having a body (17, 16a, 24), a combustor (27, 28), a metering valve (38 note col. 3 lines 40-45), a compressor (15) mounted in a compressor chamber and having plural blades (15a), a turbine (14) having plural blades (14a), a fuel pump (34), a lubricating pump (47), an electric motor (37) driving the pumps, an air inlet port (18), and exit port (25) and a generator (8). Toesca does not disclose that there is at least one magnet secured to the rotor. Bosley discloses a generator system having magnets (see col. 10 and Fig. 7) secured to the rotor. At the time of the invention it would have been obvious to substitute the generator and rotor arrangement as taught by Bosley for the structure of Toesca as a well known equivalent generator arrangement which due to shaft and rotor design is more durable.

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Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toesca in view of Bosley as applied to claim 11 above, and further in view of McAlvay (USPN 2,966,118) as set forth in the office action of June 7, 2005.

Claims 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adkins et al in view of McCarty (USPN 4,951,459).

As set forth above Adkins et al discloses the invention substantially as claimed including a metering valve (216,220). Adkins et al do not disclose that the metering valves include a plunger to vary fuel flow from an inlet to an outlet or that there is a proportional solenoid which operates the plunger. McCarty discloses a proportional solenoid (6) operated metering valve (8) including a plunger (15) which controls fuel flow from an inlet (79) to an outlet (80) between a pump and a gas turbine engine. At the time of the invention it would have been obvious to one of ordinary skill in the art to substitute a solenoid operated valve which is responsive to a number of engine parameters (note Fig. 1) for the speed controlled metering valves (216, 220) of Adkins in order to create a more functionally-integrated flow metering system adapted for precise and direct control (note the first paragraph of col. 2).

Claims 60-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toesca in view of Bosley et al as applied to claims 10 and 57 above, and further in view of McCarty (USPN 4,951,459).

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As set forth above Toesca in view of Bosley et al discloses the invention substantially as claimed including a metering valve (38 of Toesca). Toesca and Bosley et al do not disclose that the metering valve includes a plunger to vary fuel flow from an inlet to an outlet or that there is a proportional solenoid which operates the plunger. McCarty discloses a proportional solenoid (6) operated metering valve (8) including a plunger (15) which controls fuel flow from an inlet (79) to an outlet (80) between a pump and a gas turbine engine. At the time of the invention it would have been obvious to one of ordinary skill in the art to substitute a solenoid operated valve which is responsive to a number of engine parameters (note Fig. 1) for the hand set metering valve (38) of Toesca in order to create a more functionally-integrated flow metering system adapted for precise and direct control (note the first paragraph of col. 2).

### ***Response to Arguments***

Applicant's arguments filed December 7, 2005 have been fully considered but they are not persuasive. With regards to the applicant's arguments that the servo valve of Adkins and the regulator of Toesca are not fluid metering valves, in the arguments relating to claim 57, the examiner disagrees. A fluid metering valve is a broad term. Because the valves disclosed, and noted in the above rejections, act on and control the flow of fluid they are metering valves when considered in view of that terms broadest reasonable interpretation. It is noted that at col. 3 line 44 of Toesca the regulating valve is said to meter the fuel flow.

***Reissue Applications***

The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

The Reissue Declaration notes two errors to be corrected. The first is that method claims could have been included in the original application. This error is moot because of the restriction set forth in the first office action. The method claims were withdrawn from further consideration in that action. The second error noted was that "claim 1 includes features of the fuel metering valve which unnecessarily narrow the claim." By the amendment of December 7, 2005 the applicant has now amended the claims to include various features of the fuel metering valve. Therefore, it is unclear what specific error is being addressed by the current reissue application.

In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

Claims 1-18, 41 and 57-63 are rejected as being based upon a defective reissue Declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect is set forth above.

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Receipt of an appropriate supplemental oath/declaration under 37 CFR

1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 6,314,717 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within



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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

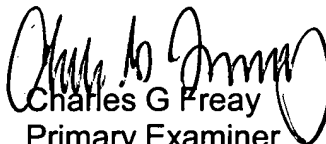
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ingham et al, Martin, Schuh and Yamone et al disclose gas turbines having the fuel flow controlled in response to the exhaust gas temperature.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles G. Freay whose telephone number is 571-272-4827. The examiner can normally be reached on Monday through Friday 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Charles G Freay  
Primary Examiner  
Art Unit 3746

CGF  
April 25, 2006